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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Rainer Kuth

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7590

04/05/2006

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EXAMINER

LESNIEWSKI, VICTOR D

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,468

Applicant(s)

KUTH, RAINER

Examiner

Victor Lesniewski

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed 1/9/2006 has been placed of record in the file.
2. Claims 1 and 11 have been amended.
3. Claims 15-20 have been added.
4. Claims 1-20 are now pending.
5. The applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the following new grounds of rejection.

Continued Examination Under 37 CFR 1.114

6. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous office action has been withdrawn pursuant to 37 CFR 1.114. The applicant's submission filed on 1/9/2006 has been entered.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teibel et al. (U.S. Patent Number 6,363,427), hereinafter referred to as Teibel, in view of Burns et al. (U.S. Patent Number 6,275,496), hereinafter referred to as Burns.

9. Teibel disclosed a method for electronic message exchange among users of an electronic bulletin board system. In an analogous art, Burns disclosed an interactive distribution network that uses an intelligent caching system to provide content to users.

10. Concerning claims 1, 11, and 15, Teibel did not explicitly state determining whether the ident code has been transmitted within a monitoring period. Teibel does state that the posted content is subject to expiration when it is no longer timely, but he is not explicit about monitoring the time-to-live (TTL) so as to make a removal or deletion decision at a certain time. However, periodically monitoring the TTL of content on a web server was well known in the art as evidenced by Burns. Burns discloses resetting the TTL or extending the life of the content based on the content being requested (i.e. the ident code being transmitted). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Teibel by adding the ability to determine whether the ident code has been transmitted within a monitoring period and to take the appropriate deleting or resetting action as provided by Burns. Here the combination satisfies the well known need in the art for automatically removing content from a server when it is no longer deemed relevant or timely. See Teibel, column 1, lines 23-25. This rationale also applies to those dependent claims utilizing the same combination.

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11. Some claims will be discussed together. Those claims which are essentially the same except that they set forth the claimed invention as an alternate method are rejected under the same rationale applied to the described claim.

12. Thereby, the combination of Teibel and Burns discloses:

- <Claim 1>

A method for handling an information item which originates from an information provider, is made available by a service provider and can be called via a communications network, comprising the following method steps: a) having the service provider allocate an ident code which identifies the information item to the information provider (Teibel, column 3, lines 1-9 and column 3, line 63 through column 4, line 10); b) transferring the information item from the information provider to the service provider, and making the transferred information item publicly accessible (Teibel, column 2, lines 7-22); c) determining whether the ident code has been transmitted to the service provider by the information provider within a monitoring period, deleting the information item from the service provider if the ident case has not been transmitted, and resetting the monitoring period and repeating step c) if the ident code has been transmitted to the service provider by the information provider (Teibel, column 1, lines 23-25 and Burns, column 10, lines 55-67 and column 11, lines 15-19, where either the TTL expires or the TTL is reset based on the content being requested).

- <Claims 2 and 16>

The method as claimed in claim 1, in which the ident code is transmitted, together with a handling instruction relating to the information item, to the service provider by the information provider (Teibel, column 5, lines 1-16).

- <Claims 3 and 17>

The method as claimed in claim 2, in which, during the transmission of the ident code, together with a handling instruction, by the information provider, the service provider handles the information item in accordance with the handling instruction (Teibel, column 5, lines 1-16).

- <Claims 4 and 18>

The method as claimed in claim 2, in which the handling instruction comprises at least one of changing the information item, retaining the information item, and deleting the information item (Teibel, column 5, lines 1-16).

- <Claims 5 and 19>

The method as claimed in claim 1, in which the monitoring period can be predetermined (Burns, column 10, lines 48-58).

- <Claims 6 and 20>

The method as claimed in claim 1, in which the monitoring period takes place automatically (Burns, column 10, lines 48-67).

- <Claim 7>

The method as claimed in claim 1, in which the communications network is the Internet (Teibel, column 2, lines 7-9).

- <Claim 8>

The method as claimed in claim 1, in which the ident code is transmitted to the information provider by e-mail (Teibel, column 3, lines 28-32).

- <Claim 9>

The method as claimed in claim 1, in which the ident code is transmitted, together with the handling instruction relating to the information item, to the service provider by e-mail (Teibel, column 3, lines 28-32).

- <Claim 10>

The method as claimed in claim 1, in which the information item made available has at least a last update date of the information (Burns, column 11, lines 4-7).

- <Claim 11>

A method for establishing the currency of an information item that is made generally accessible, comprising the following steps: transmitting an information item from an information provider to a service provider (Teibel, column 2, lines 7-22); transmitting from the service provider to the information provider an ident code (Teibel, column 3, lines 1-9 and column 3, line 63 through column 4, line 10); making the information item publicly accessible over a network through the service provider (Teibel, column 2, lines 7-22); monitoring by the service provider to determine whether the information provider has transmitted the ident code to the service provider within a predetermined monitoring period, and deleting the information item from the service provider at a conclusion of the predetermined monitoring period if the information provider has not transmitted the ident code to the service provider within the predetermined monitoring period, and resetting

the predetermined monitoring period and repeating the monitoring step is the information provider has transmitted the ident code to the service provider within the predetermined monitoring period (Teibel, column 1, lines 23-25 and Burns, column 10, lines 55-67 and column 11, lines 15-19, where either the TTL expires or the TTL is reset based on the content being requested).

- <Claim 12>

The method of claim 11, wherein if the service provider receives the ident code from the information provider within the predetermined monitoring period, the service provider resets the predetermined monitoring period and repeats the monitoring step (Teibel, column 1, lines 23-25 and Burns, column 10, lines 55-67 and column 11, lines 15-19).

- <Claim 13>

The method of claim 12, wherein the information provider transmits handling instructions to the service provider in addition to the ident code (Teibel, column 5, lines 1-16).

- <Claim 14>

The method of claim 13, wherein the handling instructions received by the service provider cause the service provider to perform one of the actions of retaining, modifying, and deleting the information item (Teibel, column 5, lines 1-16).

- <Claim 15>

A method for handling an information item which originates from an information provider, is made available by a service provider and can be called via a communications network, comprising the following method steps: a) having the service provider allocate an ident code which identifies the information item to the information provider (Teibel,

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column 3, lines 1-9 and column 3, line 63 through column 4, line 10); b) transferring the information item from the information provider to the service provider, and making the transferred information item publicly accessible (Teibel, column 2, lines 7-22); and c) deleting the information item from the service provider if the ident code is not transmitted to the service provider by the information provider within a monitoring period (Teibel, column 1, lines 23-25 and Burns, column 10, lines 55-67 and column 11, lines 15-19, where the TTL expires); wherein the information item on the service provider is information posted on an internet message board (Teibel, column 2, lines 7-22).

Since the combination of Teibel and Burns discloses all of the above limitations, claims 1-20 are rejected.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- Rose et al. (U.S. Patent Number 6,202,058) disclosed a method for ranking information according to the likely degree of relevance to a user's interests in an electronic message board system.
- Schmeidler et al. (U.S. Patent Number 6,374,402) disclosed a content server that controls the times at which a user may retrieve data by the use of an activator and a token.
- Maurille (U.S. Patent Number 6,484,196) disclosed a system for providing integrated combinations of instant messages, bulletin boards, email, etc.

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- Challenger et al. (U.S. Patent Number 6,618,751) disclosed a method for publishing an object on a web server that includes assigning expiration times to different versions of the object.
- Mendiola et al. (U.S. Patent Number 6,920,478) disclosed a method for tracking the online status of active users in an instant messaging system that enables the refreshing of messages at an instant messaging server.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987.

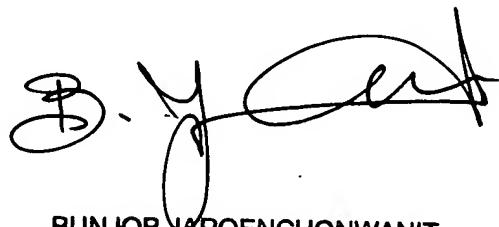
The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor Lesniewski
Patent Examiner
Group Art Unit 2152



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SUPERVISORY PATENT EXAMINER